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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,903	11/14/2000	Alto Stemmer	P00,1737	6144

26574 7590 04/21/2004

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/21/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 7

Application Number: 09/710,903
Filing Date: November 14, 2000
Appellant(s): STEMMER ET AL.

Alto Stemmer et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-3 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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5,594,849	Kuc et al.	1-1997
6,366,834	Hayes et al.	4-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuc et al. (US 5,594,849).

As per claim 1, Kuc et al. teaches a method for altering a protocol in a magnetic resonance apparatus comprising the steps of:

(a) displaying a display presentation at a user interface for a magnetic resonance apparatus containing a first parameter in a protocol for operating the magnetic resonance apparatus to obtain magnetic resonance data (col. 1, lines 5-15, col. 7, lines 1-18) and a second parameter in said protocol for operating the magnetic resonance apparatus (col 10, lines 15-33);

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- (b) in said display presentation, showing a range of values for said first parameter including designating a first sub-range within said range wherein selection of a value does not modify said second parameter, and a second sub-range within said range wherein selection of a value causes modification of said second parameter (fig 11, item 24, col 10, lines 15-33);
- (c) if a value for said first parameter is selected in said second sub-range, automatically showing in said display presentation how the value selected for said first parameter will modify said second parameter (fig 11, item 23, col 10, lines 15-33); and
- (d) giving a user an option in said display presentation to confirm selection of said value selected for said first parameter or to reject selection of said value selected for said first parameter, via said user interface(fig 11, item 23, col 10, lines 15-33). It is inherent that can still cancel the selection by defining the parameter to zero.

As per claim 2, Kuc et al. teaches a method as claimed in claim 1 wherein step (c) comprises automatically showing how the value selected for said first parameter will modify said second parameter in a pop-up dialog within said display presentation (fig 11, item 23, col 10, lines 15-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuc et al. (US 5,594,849) in view of Hayes et al. (US 6,366,834).

As per claim 3, Kuc et al. teaches a method as claimed in claim 1. However Kuc et al. fails to teach wherein step (b) comprises designating said first sub-range with a first color in said display presentation and designating said second sub-range with a second color in said display presentation.

Hayes et al. teaches a method which comprises designating said first sub-range with a first color in said display presentation and designating said second sub-range with a second color in said display presentation (col 5, lines 50-68).

It would have been obvious to an artisan at the time of the invention to include Hayes's teaching with Kuc et al.'s method in order to give user a better idea of the area that is being zoomed in.

(11) Response to Argument

Appellant's argument focuses on the following issues:

- A) Kuc et al. doesn't include the usage of a magnetic resonance apparatus.
- B) Kuc et al. fails to teach manipulation of parameters that are used to obtain the data.

Examiner responds as follows:

A) Kuc et al. includes an apparatus that provides magnetic resonance data in his system as it is indicated in the abstract. Furthermore, appellant's claims only describe the manipulation of parameters using graphical user interface, and fail to include any method that describes how the magnetic resonance data is taken from a magnetic field. Therefore, Appellant's argument regarding the difference between methods of taking a Squid and an MRI is irrelevant.

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B) The protocol described in the claim not only can be understood as MRI protocol, but it can also be interpreted as protocol for extracting MRI images stored in the local network. Therefore, by teaching manipulation of parameters, which are used to obtain MRI imaging data from the local network (col. 10, lines 12-34, col. 11, lines 25-68), Kuc et al. clearly teaches manipulation of protocol that is used to obtain data.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Kristine Kincaid

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Peng Ke
April 16, 2004

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